

Commonwealth of Pennsylvania

COUNTY OF LUZERNE

APPLICATION FOR
SEARCH WARRANT
AND AUTHORIZATIONDocket Number
(Issuing Authority):Police Incident
Number: 20240304M0100Warrant Control
Number:

DET. WILLIAM PATTON

LUZERNE COUNTY DISTRICT ATTORNEY (570)825-1714

3/4/2024

AFFIANT NAME

AGENCY

PHONE NUMBER

DATE OF APPLICATION

IDENTIFY ITEMS TO BE SEARCHED FOR AND SEIZED (Be as specific as possible):

See Appendage A

SPECIFIC DESCRIPTION OF PREMISES AND/OR PERSON TO BE SEARCHED (Street and No., Apt. No., Vehicle, Safe Deposit Box, etc.):

Social security numbers and financial information (e.g., PINs) should not be listed. If the identity of an account number must be established, use only the last 4 digits.
204 PA §§ 213.1 - 213.7.

A three story off white residence located at 106 George Avenue in Wilkes Barre City. This is listed as a multi family unit and the unit to be searched is listed as 106 George Avenue First Floor

NAME OF OWNER, OCCUPANT OR POSSESSOR OF SAID PREMISES TO BE SEARCHED (If proper name is unknown, give alias and/or description):

Occupants are:

Jose Rafael RODRIGUEZ DOB: 08/25/1979

(Cont)

VIOLATION OF (Describe conduct or specify statute):

PA Title 18 the Crimes Code Section:

DATE(S) OF VIOLATION:

March 2, 2024

☒ Warrant Application Approved by District Attorney - DA File No.

(If DA approval required pre Pa.R.Crim.P. 201(1) with assigned File No. per Pa.R.Crim.P. 507)

☐ Additional Pages Attached (Other than Affidavit of Probable Cause)☐ Probable Cause Affidavit(s) MUST be attached (unless sealed below) Total number of pages: 4

TOTAL NUMBER OF PAGES IS SUM OF ALL APPLICATION, PROBABLE CAUSE AND CONTINUATION PAGES EVEN IF ANY OF THE PAGES ARE SEALED

The below named Affiant, being duly sworn (or affirmed) before the Issuing Authority according to law, deposes and says that there is probable cause to believe that certain property is evidence of or the fruit of a crime or is contraband or is unlawfully possessed or is otherwise subject to seizure, and is located at the particular premises or in the possession of the particular person as described above. I certify that this filing complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that require filing confidential information and documents differently than non-confidential information and documents.

DET. *William Patton* LCDTF

Signature of Affiant Agency or Address if private Affiant

Badge Number 47

Sworn to and subscribed before me this 4 day of MARCH, 2024. Mag. Dist. No. 11308

Signature of Issuing Authority

Office Address 90 MAFFETT ST, PLAINS PA 18705

SEARCH WARRANT
TO LAW ENFORCEMENT
OFFICER:

WHEREAS, facts have been sworn to or affirmed before me by written affidavit(s) attached hereto from which I have found probable cause, I do authorize you to search the premises or person described, and seize, secure, inventory and make return according to the Pennsylvania Rules of Criminal Procedure.

☒ This Warrant shall be served as soon as practicable and shall be served only between the hours of 6AM to 10PM but in no event later than☐ This Warrant shall be served as soon as practicable and may be served any time during the day or night but in no event later than **

2:45 P M, o'clock MARCH 6, 2024.

☐ This Warrant shall be returned to judicial officer _____.

* The issuing authority should specify a date no later than two (2) days after issuance. Pa.R.Crim.P. 205(4).

** If the issuing authority finds reasonable cause for issuing a nighttime warrant on the basis of additional reasonable cause set forth in the accompanying affidavit(s) and wishes to issue a nighttime warrant, then this block shall be checked. Pa.R.Crim.P. 206(7).

Issued under my hand this 4 day of MARCH, 2024 at 2:45 P M, o'clock.

Signature of Issuing Authority

Mag. Dist. or Judicial Dist. No. 11308

Date Commission Expires Jan 2028

Title of Issuing Authority: ☒ Magisterial District Judge ☐ Common Pleas Judge ☐☐ For good cause stated in the affidavit(s) the Search Warrant Affidavit(s) are sealed for _____ days by my certification and signature. (Pa.R.Crim.P. 211)

Signature of Issuing Authority

(Judge of the Court of Common Pleas or Appellate Court Justice or Judge)

(Date)

(SEAL)

Commonwealth of Pennsylvania



AFFIDAVIT OF PROBABLE CAUSE

COUNTY OF LUZERNE

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PROBABLE CAUSE BELIEF IS BASED UPON THE FOLLOWING FACTS AND CIRCUMSTANCES:

Your Affiant, Detective William Patton, being duly sworn, deposes and says, I am employed by the Luzerne County Drug Task Force (LCDTF) assigned as a Gun Violence Reduction Officer since January 17, 2020. As such, I am tasked with investigating violations of the Pennsylvania Crimes Code including violations of Chapter 61 Firearms and Other Dangerous Articles "Uniform Firearms Act". Your affiant has participated in over 500 illegal firearms trafficking, straw purchases, and other related investigations. These investigations involved hundreds of arrests and the execution of numerous search warrants. Prior to my employment with Luzerne County Drug Task Force (LCDTF) your Affiant served 26 years with the Pennsylvania State Police (PSP) from January 3, 1994 to January 10, 2020. During this timeframe, I participated in hundreds of arrests and search warrants both State and Federal as I was assigned to investigate gangs and violent crime from 1999 until retirement in 2020. For approximately ten years, I was assigned as a Task Force Officer with the FBI Steamtown Safe Streets Task Force in Scranton

On March 2, 2024 at 6:02 PM Plains Township PD was contacted by Confidential Witness # 1 (CW1) an employee of the Carriage Stop Plaza regarding gun parts which were found in bags outside of the Plaza next to a garbage can. Patrolman Saif Mahmoud responded to the scene and arrived at 6:15 PM. Patrolman Mahmoud recovered the bags and confirmed there were gun parts in the bags as well as shipping tags with the name of JOSE RODRIGUEZ 106 George Avenue Floor 1 Wilkes-Barre, PA 18705. Mahmoud related the gun parts appeared to have been printed by a 3D printer including parts to Glock pistols and other brands. Mahmoud brought the recovered gun parts and shipping tags to his station.

On March 4, 2024 at 7:18 AM Detective Tim Minnick of Plains Township PD contacted Detective William Patton regarding the recovered gun parts and shipping tags. Detective Patton responded to the Plains Township Police Headquarters at 8:28 AM and met with Det. Minnick. Det. Minnick showed Detective Patton the 3D printed gun parts and the shipping tags recovered by Patrolman Mahmoud. Also discovered was an invoice for a Glock model 17 9mm 17 round polymer magazine. The delivery and the billing address were both listed as 106 George Avenue 1st Floor Wilkes Barre PA 18705. Also recovered was an invoice for a Smith & Wesson Sd9ve complete lower parts repair kit. This was shipped to CARMEN GARCIA 106 George Avenue Floor 1 Wilkes Barre, PA 18705. Detective Patton observed numerous slides, lower receivers, magazines, a suppressor, and other smaller gun parts. Many of these gun parts looked to have been manipulated in a way to have been assembled into an operable firearm. Detective Patton then travelled to 106 George Avenue and observed the three

(Continued)

I, THE AFFIANT, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF. I certify that this filing complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that require filing confidential information and Documents differently than non-confidential information and documents.

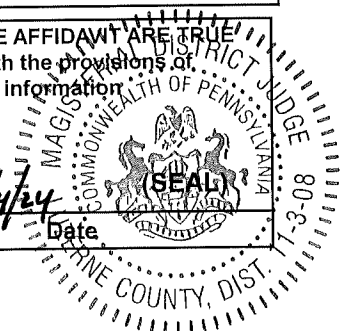
Affiant Signature

Date MARCH 4, 2024 Issuing Authority Signature

Date

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**AFFIDAVIT OF
PROBABLE CAUSE**
CONTINUATION PAGE

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AFFIDAVIT OF PROBABLE CAUSE CONTINUATION

story off white home. Parked in front of the home was a 2004 BMW silver X3 with PA registration MHJ7898. This vehicle is registered to JOSE RODRIGUEZ of 106 George Avenue 1st Floor Wilkes Barre, PA 18705.

Detective Patton then returned to his office and conducted a background investigation into JOSE RODRIGUEZ of 106 George Avenue First Floor Wilkes Barre, PA. Detective Patton was able to identify JOSE RODRIGUEZ through numerous internet resources to include a Pennsylvania Driver's License (DL) number 33646824. This DL confirmed the address of 106 George Avenue Floor 1 Wilkes Barre 10705 and gave a date of birth (DOB) of August 25, 1979. Detective Patton then ran a criminal history for RODRIGUEZ. This criminal history report showed RODRIGUEZ was a multiple time convicted felon for drug related offenses, an assault of police officer related offense, and firearm related offenses. These felony convictions caused RODRIGUEZ to be a person not to possess a firearm. Detective Patton then conducted a background investigation into CARMEN GARCIA. It was determined through the same internet resources CARMEN GARCIA was CARMEN GARCIA DE RODRIGUEZ of 106 George Avenue 1st Floor Wilkes Barre PA 18705. GARCIA DE RODRIGUEZ has a DOB of June 12, 1994 and PA ID of 34733912. A criminal history check for GARCIA DE RODRIGUEZ was negative.

On March 4, 2024 at approximately 12:00 PM Detective Tim Minnick spoke with persons at the Carriage Stop Plaza. They were able to review video recording of the location the bags with the firearms parts and shipping tags addressed to JOSE RODRIGUEZ of 106 George Avenue were located. Through the video it was determined an unknown female removed the bags from a dumpster at the location and placed them on the ground near the dumpster where CW 1 checked the contents of the bags and then notified police.

Further Investigation by Task Force Officer Jeff Ference of the Bureau of Alcohol, Tobacco, and Firearms (ATF) of the bags with the firearms parts and address labels addressed to JOSE RODRIGUEZ of 106 George Ave Floor 1 Wilkes Barre PA 18705 including inner mechanisms to include triggers.

Based on the training and experience of your affiant their is probable cause to believe the eleven time convicted felon JOSE RODRIGUEZ, a person not allowed to legally possess a firearm due to these prior felony convictions with numerous convictions for firearms related incidents, is possessing and manufacturing firearms at his residence 106 George Avenue 1st Floor Wilkes Barre, PA 18705.

(Continued)

Affiant Signature

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☐ Items to be searched and seized ☐ Description of premises/person(s) to be searched ☒ Owner/ Occupant ☐ Violations

Carmen Garcia DE RODRIGUEZ DOB: 06/12/1994

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(Violation Codes)

6105(a)(1) Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer
 Firearms

PA Title 18 the Crimes Code Section: 908(a) Prohibited Offensive Weapons

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Appendage A

3D Printers, any computer units to include smart phones able to be connected to 3D printer, any firearms, any firearm parts, any firearm ammunition, any paperwork connected to firearms or firearm parts, any firearm related equipment able to be connected to a firearm ie; suppressor or muzzle break, any electronic storage devices able to store data regarding the manufacturing of firearms